

*A Letter to the Author of the Case of the Schedule.*

SIR,

THE Answerer of the Third Letter about the Parliament-Writ, finding himself concern'd in the *Addenda* of the Book before examin'd, desires leave to make this Reply in this place: And the first thing he is oblig'd to take notice of, is the charge of mis-representing the Speech of that Member of Convocation, who gave an account of the Rise of Schedules in *England*, from the use of them in Add. P.4. the *Council of Lateran*.

He was present as is supposed when that Speech was made, and attended to it as carefully as he cou'd: That part of it about the Schedule seem'd new to him, and not true, as he had a little before observ'd, what he mention'd in his Answer to the Third Letter from the *Council of Basil*; which made him examine that Matter again, going away full of its having been affirm'd without any Restriction, that the use of Schedules first began in the Council of *Lateran*: Nor can he yet think that either his *Apprehension* or *Memory*, how weak soever in themselves, fail'd him in this particular, in the observation of which so many others concurr'd with him. And he appeals to your own Conscience, if you was the Speaker, whether any such Limitation was put upon that Assertion as is now given in your *Addenda*, and whether you was then aware of the necessity of making it as you wou'd have your Reader believe you was before the Answerer took notice of it.

You seem to deal much in *Addenda*, as indeed you have need of them, and you are careful to improve them to the best Advantage you can. For they shall explain away a thing peremptorily delivered upon a former occasion, and yet leave the Proposition as it was, without the least need of Correction.

For just in this manner have you dealt, p. 9. with that Passage the Answerer cited from Dr. A's Rights, &c. When they Adjourn'd, it was sometimes their own Act, but oftner at the Command of the Arch-Bishop. This Power belong'd to him of

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Course

*Course when the two Houses were united, and he preserv'd it after they were separated. Now, the only Word lyable to Misconstruction in this, is, you say, the Word OF COURSE which seems to ascribe to the Legat born an Original, whereas he had only a customary Right founded upon Usurpation : And yet he says only that our Arch-Bishops e're the Division fully obtain'd had of Course a Power of Commanding or Directing the Adjournments of the Lower Body, not that he himself of Course by his own Act peremptorily Adjourn'd them.*

I perceive these words of *Course* like the word *Often* in the first Letter about the Parliament-Writ, came in a little unluckily, and therefore they must be expounded away ; as I will appeal to any one whether they be not so served, comparing the first Passage and this Comment together. And yet you say a little above that *it so happens that Dr. A. so stated it then, as he wou'd and must have done had he wrote now.* Let any Man judge whether, if this Matter was to be written now, we shou'd not have *the Legat born*, instead of *the Arch-Bishop*, and a *Customary Right founded upon Usurpation*, instead of a *Power that belonged to him of Course*, and a *Power of directing the Adjournments of the Lower Body*, instead of their being *Adjourn'd at the Command of the Arch-Bishop*. For you have now brought it to this, and by what has been since written upon that Subject, there is reason to believe that *Dr. A.* thinks that Passage worded a great deal too high.

P. 10.

And the Method which you take to make those you write against, seem to be in the wrong, when in truth they are not ; is much the same which you use to keep your self as it were in the right, under all your Mistakes. For thus have you dealt in the matter of the *Resummons* upon the Death of *Arch-Bishop Warham* : Having said in your Book, That *there was no new Choice of Proctors upon it ;* You set your self in your *Addenda* to avoid the Instance of a New Choice produced from the Register of *Lincoln*, by informing the Answerer that new Proctors were chosen upon the Death of old ones, or upon a Revocation of former Proxys, to gratifie some other Person, or the like ; Well, you shall have this pass for *News to the Answerer*, if you please ; but what is this to a Choice upon the foot of the

the Mandat, as that in the Diocess of *Lincoln* is said to have been? Why you are not able to say what was, or was not in a particular Church; but still this might be a new Power only mistaken for a New Choice. The Register says, *Dies assignatus pro Proc. Cleri elegendis apud Bedford*. And the distinct Returns from the several Arch-Deaconries upon it are still in being; which is, I hope, enough to clear the Answerer of mistake in this Matter. And yet when you had only said upon this Conjecture of your own, that perhaps he was mistaken, you add presently that there are several other Mistakes committed by this Writer on the same Head, and within the same Paragraph, which you forbear to examine. He is sorry that his Errors lie so thick, but hopes they are no greater, than that just mention'd, which you have taken such pains to prove that perhaps it was one, and which he has proved that in Fact it was not.

But there is one thing you cannot let pass, and that is the curtailing the Marginal Note upon Tonstal's Register, which with seeming Charity at least, you hope was not designedly: However, you say it was very unluckily done. The words *Continuata et pendente*, &c. were left out partly for brevity, and partly because the Ink of them was paler than the rest, and the Answerer had mention'd the Note as written near the same time with the Mandat it self, and he conceived that the words *pendente ista Convocatione* at the beginning of the Note made the Repetition of them at the end needless, when they express'd only what he mention'd at large in that Letter. The State of this Convocation upon the Arch-Bishops's Death, was described in the Answerer's first Letter, by a New Summons, or rather Royal Continuation; and in his Answer to the Third Letter, care was taken to let it appear that the New Summons went out after the Convocation had subsisted some Months, by the King's Writ of Prorogation to the Guardians. So that the Answerer cou'd not be in the least unwilling that this Convocation shou'd stand as *Continuata et pendens* after the Arch-Bishop's Death: Nor does he see that its being so does in the least prejudice what he urged from this new Summons, in abatement of the late Objections against the Authority of the Arch-Bishop, in calling and holding Convocations.



For the Answerer said only that this Mandat was an Argument, ' That the Clergy did not seem to think the Arch-Bishop's Power in summoning and continuing the Convocation, so *purely Ministerial* as it had been represented of late ; because then they wou'd have had no scruple of attending upon the bare Writ of Prorogation after P. 8. c. 2. the Arch-Bishop's Death. You are pleased to leave out the word *purely*, which is just as fair as your representing a little above the *Modern pretence* on the side of the Arch-Bishop to be, that *the Convocation subsists by his Mandat*, in contradistinction to the King's Writ ; a thing that was never pretended, but only that it subsisted by both, by one in Subordination to the other ; so as that the want of the inferior Authority might justly occasion a doubt in those that were to attend.

This was all the Use the Answerer made of the New Summons, and how *odd* soever you may please to call his *Inference* from it, you have said nothing to shake it, but only thought fit to deny that there were any Scruples, or to ascribe whatever there were to a quite contrary Cause.

Add. P. 6. *The Clergy, you say, had no Scruples, for the Case was plain : or if they had any, they were owing to the Notion of the Arch-Bishop's Ministerial Power now obtaining since the Submission, and their Knowledge of the Tenor of the King's Writs of Summons and Prorogation, particularly the Writ of Prorogation upon which they now attended, being the first of that kind that ever issued, and giving us further light into the reason of this New Summons from the Prior, &c. shall be transcribed entirely into these Papers.* Then follows the Writ to Arch-Bishop Warham ; at the end of which you call upon the Answerer to view it at his leisure, and consider whether the Convocation cou'd regularly reassemble at the time prefix'd by it without a Re-summons : I suppose you mean from the Crown, the same thing which you a little lower call, *A New Order from the Crown ; which when it issued, you say, the Clergy neither cou'd have any Scruples, nor had they any, for they met, Feb. 5. and acted for several Sessions, &c.*

P. 7.

The Answerer has view'd this Writ which you Transcribe, and consider'd what you say before and after it : He never pretended that the Clergy cou'd regularly reassemble after

after Arch-Bishop Warham's Death, without a new Order from the Crown, at least no further than to expect some Order or other on the day of the last Prorogation, Nov. 5. Which the third Letter, defended by you, says, *was not a meeting to sit and act; but merely to receive the King's Writ of Prorogation, from Nov. 5. to Feb. 5.* And you own in the words last before cited, that they met, Feb. 5. In Virtue of this Order: Which makes it a little amazing, that you shou'd give us the Writ of Prorogation to Warham, as that upon which the Clergy attended; instead of that to the Prior, &c. the Writ upon which they met before the Mandat went out.

The Answerer expressly mentions this Writ of Prorogation to the Guardians, which was the only *new Order from the Crown* that issued upon this occasion, and he mentions it as recited in the new summons; and all that he pretended was, that the scruples which notwithstanding remain'd till the Prior's Mandat was sent, seem'd to imply that the Doubting Clergy expected an entire new Ecclesiastical Summons; and that such an Expectation imply'd, that they did not think the Arch-Bishop's Power in calling and holding the Convocations, *so purely Ministerial as had been represented of late.* And if the Clergy had these scruples after the new Order from the Crown went out, and these scruples were taken off by a Mandat from the Prior, &c. the Answerer's Inference will not prove to be so odd as your way of attacking it.

In Reply therefore to what you say of their having no scruples, or such only as arose *particularly from their knowledge of the tenor of the King's Writ of Prorogation to Warham:* The Answerer undertakes to make out, that they had scruples, and that these were not owing to their Attendance upon that Writ.

That they had scruples will be plain from the Tenor of the Prior's Mandat; which having recited the King's Writ to the Guardians to Prorogue, issued and accordingly Executed above three Months before, proceeds thus: *Nos omnia et singula in dicto Brevis Regio contenta et specificata, juxta effectum ejusdem prout decet exequi volentes, et ut omnis Ambiguitatis Scrupulus & occasio de et super Procuratoriis Episcoporum*  
*Prela-*

*Prælatorumq; et Cleri Cant. Provinciæ a presenti Convocatione aliter Autoritate dicti Rev. Patris Inchoata celebrata et Continuata Absentium ad tunc exhibitis et aliis in ista Convocatione actis et gestis, et in posterum agendis, tollatur & auferatur, Paternitati vestræ Rev. Committimus & Mandamus quatenus omnes, &c. Peremptorie Citari faciatis.* Be pleased at your leisure to view this Mandat, and consider whether any thing can be plainer from it, than that the *Clergy had scruples*, that many of the several Orders did not come up to the Convocation, Feb. 5. That the Proxys sent by those who should have appear'd themselves, had ambiguity in them, and that it was not thought expedient to leave the Proceedings of the Convocation upon this doubtful bottom. For this reason such of the several Orders, as had their Names affixed to the Mandat, were premonished to appear personally, (probably those who came not up at the first) and the rest of the Bishops and Prelates by their sufficient Proxys: And express returns were to be made upon this Citation.

You own this Mandat to have issued, Feb. 10. But will not allow it to have been *for the satisfaction of scruples*, tho' the Mandat it self says so, because *the Convocation went on, and did not stand still, till the returns were made.* As if the going on of those who were present, was a Proof that the Absent had no scruples, or even that those who were present did not desire to have more Authority added to their proceedings, by securing the attendance of the whole Convocation. The Mandat intends to take off all scruple, *de actis et gestis, et in posterum agendis*, as well as *de Procuratoriis Absentium*: But the Mandat it seems must not explain the design of its issuing; you will inform us better, and have it be *only for the bringing up Powers to treat with the new Archbishop*, when there seems to be nothing extraordinary in the Mandat to that purpose. The Persons cited, are cited to appear, *coram Archiepiscopo qui pro tempore fuerit sive ejus locum tenente, &c. & coram alio quocunq; nomine et jure Ecclesiæ Christi Cant. aut alio jure quocunq; ad tunc præsentis Convocationis Præsidente.* There is nothing in this but a general, and very natural Provision for their attending the Convocation, whoever should of right be at the head of it: And the returns were actually made during the vacancy as you own  
upon



upon the day prefix'd in the Mandat, when thirteen Bishops cited were inserted in the Acts of the day, and a Commission given, *ad recipienda Certificatoria Episcoporum nondum Certificat.*

This is abundantly enough to shew there were scruples, and that your Account of the Mandat's issuing upon another occasion, exclusive of them, is very insufficient, if not very unsincere. Nor will it be harder to make it appear that you are as much to blame in saying, that if the Clergy had any scruples they were owing to their knowlege of the Tenor of that Writ of Prorogation particularly, on which they then attended, that is, as you say, the Writ of Prorogation to *Warham*, which you therefore transcribe.

For you must needs know, that they did not attend upon that Writ when the Priors Mandat went out: There had been as you know a Writ for Proroguing directed to the Guardians, and executed by them above a quarter of a year before, *Nov. 5.* And the Clergy that attended, *Feb. 5.* attended by Virtue of that Writ so Executed; which was all the new Order that issued from the Crown, and the only Royal Authority that supported the Mandat which the Guardians sent out, *Feb. 10.* upon a visible non-attendance of a great part of the Clergy, *Feb. 5. Mandatum post prorogationem præcedentis Convocationis,* is the entry in *Worcester Register*: So that whatever scruples the Clergy had, were subsequent to the King's Writ to the Prior, &c. for Proroguing and holding the Convocation; notwithstanding you are pleased to say, *they neither had, nor cou'd have any, after this New Order went out.*

This New Order, or Writ to the Guardians, *Octob. 28.* You shou'd have given us, instead of that to Arch-Bishop *Warham*, and upon comparing it with their Mandat, *Feb. 10.* You shou'd have try'd, whether you cou'd with any colour have said, that the Clergy had no scruples, or if they had any, they were owing particularly to their knowlege of the Tenor of the Writ of Prorogation to *Warham*, as that on which they at that time attended.

If this be the effect of having all the Light in these matters to one's self, the Answerer will be contented to remain as *wholly in the Dark* as you represent him; And tho' he

he thinks suspicion in many cases a weakness, he cannot reckon it any imputation, to shew a good deal of it, where there has been so much cause to suspect, and such ill management as to put it in the Power of one of the *Answerer's Unskilfulness* to lay open the Abuse.

He heartily wishes you may be so sensible of it your self, as not to swell these Disputes to the obscuring of the Truth, the wearying of those who wou'd fairly examin it, the trouble of all that are serious, and the pleasure only of such as delight not in that which is Good.

Yours, &c.

F I N I S.